IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 490 of 2005

Between:

P.Jaya Rami Reddy, S/o.Sri Veera Reddy,
R/o.K.Uppala Padu, Kondapi Mandal,
Prakasam District.

..... PETITIONER

AND

1 The APSRTC, Rep.by its Vice Chairman & Managing Director,
Musheerabad, Hyderabad.
2 The APSRTC, Rep.by its Regional Manager, Ongole, Prakasham District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or orders more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein not including the petitioner's name in the panel of Drivers already removed from service for being in possession of non-genuine driving licenses, for consideration of their claims for the post of Drivers as per the circular dt.11-08-2000 and issuing call letter to the petitioner for selection being held from 10-01-2005 to 25-01-2005 for appointment to the post of Drivers is arbitrary, illegal and consequently direct the respondents to consider the petitioner for the post of Driver against the vacancies notified vide notification dt.08-11-2004 as per law and appoint the petitioner if he is otherwise eligible, and pass such other order or orders.

Counsel for the Petitioner: MR.ANDAPALLI SANJEEV KUMAR

Counsel for the Respondent No.: MR.R.MANMADHA REDDY

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not including the petitioner's name in the panel of Drivers and not issuing call letter to him for the selection being held from 10.1.2005 to 25.1.2005 for appointment to the post of Driver as arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents-corporation.

Though the petitioner was appointed as Grade-II Driver, as a displaced employee, he was disengaged from service with effect from 11.3.1999 on the ground that he produced driving licence, which is not genuine and that order has become final. Thereafter, the Corporation issued a Circular, dated 11.8.2000, wherein it is mentioned that certain steps have to be taken to ensure genuineness of driving licences of in-service Drivers and consideration of the cases of Drivers, who were removed from service for possessing non-genuine driving licences. Those persons are required to submit a fresh Heavy Transport Vehicle (HTV) driving licence from the competent authority and they have to obtain the licence not later than 30.11.2001. Admittedly, the petitioner did not submit any representation before 30.11.2001 stating that he obtained a genuine driving licence from the competent authority, but, for the first time, the

petitioner made his representation, dated 26.11.2004 to consider his case. Now, the notification, dated 8.11.2004 has been issued by the 2nd respondent for filling up of certain posts of Grade-II Drivers.

The learned counsel for the respondents has stated that the petitioner was not qualified, as he was not having HTV driving licence for a period of four years. No call letter has been sent to the petitioner since he has not submitted any application within time as prescribed by the respondents. Therefore, there is no need to consider the case of the petitioner.

From the above, it is clear that this writ petition is filed after a lapse of four years. The respondent-corporation has neither violated or infringed any right of the petitioner nor violated the rules and regulations of the Corporation in calling the candidates, who are qualified and eligible for selection/appointment to the post of Grade-II Drivers. Hence, the writ petition is devoid of merit and is liable to be dismissed.

The writ petition is accordingly dismissed at the stage of admission. However, this order will not preclude the respondents from considering the petitioner's case if he is found otherwise eligible as per the notification, dated 8.11.2004 issued by the 2nd respondent. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

2nd February, 2005.

bcj

To

1 The Vice Chairman & Managing Director, A.P.S.R.T.C.,
Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Ongole, Prakasham District.

3. Two C.D. copies

Note: Furnish C.C. by tomorrow.

B/o.

bcj